

AMENDED IN ASSEMBLY MARCH 14, 2013

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

ASSEMBLY BILL

No. 405

Introduced by Assembly Member Gatto

February 15, 2013

An act to amend Section 149 of, and to add and repeal Section 21655.95 149.2 of, the ~~Vehicle Streets and Highways~~ Code, relating to highways.

LEGISLATIVE COUNSEL'S DIGEST

AB 405, as amended, Gatto. Highways: high-occupancy vehicle lanes: ~~State Highway Route 134. County of Los Angeles.~~

Existing law authorizes the Department of Transportation and local authorities, with respect to highways under their respective jurisdictions, to designate certain lanes for the exclusive or preferential use of high-occupancy vehicles. When those exclusive or preferential use lanes are established and double parallel solid lines are in place to the right thereof, existing law prohibits any person driving a vehicle from crossing over those double lines to enter into or exit from the lanes, and entrance or exit from those lanes is authorized only in areas designated for these purposes or where a single broken line is in place to the right of the lanes, except as specified.

The bill would permit the department to establish or modify existing high-occupancy vehicle lanes in the County of Los Angeles to provide continuous access to high-occupancy vehicles. The bill would prohibit the department from converting an existing mixed-flow lane in the County of Los Angeles into a high-occupancy vehicle lane.

This bill would prohibit, until June 1, 2014, any high-occupancy vehicle lane from being established on ~~State Highway Route 134~~

~~between State Route 170 and Interstate 5~~ *specified state highway routes in the County of Los Angeles*, unless that lane is established as a high-occupancy vehicle lane only during the hours of heavy commuter traffic, as determined by the department. This bill would require any existing high-occupancy vehicle lane established at the specified location to be modified to conform with those requirements. This bill would require the ~~Legislative Analyst~~ *department* to report to the Legislature on the impact on traffic by limiting the use of high-occupancy lanes as provided in the bill.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 *SECTION 1. Section 149 of the Streets and Highways Code is*
2 *amended to read:*

3 149. (a) The department may construct exclusive or
4 preferential lanes for buses only or for buses and other
5 high-occupancy vehicles, and may authorize or permit ~~such~~
6 exclusive or preferential use of designated lanes on existing
7 highways that are part of the State Highway System. Prior to
8 constructing ~~such~~ *those* lanes, the department shall conduct
9 competent engineering estimates of the effect of ~~such~~ *the* lanes on
10 safety, congestion, and highway capacity.

11 ~~To~~

12 (b) *To the extent they are available, the department may apply*
13 *for and use federal* ~~aid~~ *funds appropriated for the design,*
14 *construction, and use of* ~~such~~ *those* *exclusive or preferential lanes,*
15 *but may also use other State Highway Account funds, including*
16 *other federal* ~~aid~~ *funds, for those purposes where proper and*
17 *desirable.*

18 (c) *Notwithstanding any other law, the department may establish*
19 *or modify existing high-occupancy vehicle lanes in the County of*
20 *Los Angeles to provide continuous access to buses and other*
21 *high-occupancy vehicles.*

22 (d) *Notwithstanding any other law, the department shall not*
23 *convert an existing mixed-flow lane in the County of Los Angeles*
24 *into a high-occupancy vehicle lane, unless required by federal*
25 *law.*

26 ~~This~~

1 (e) *This section shall be known and may be cited as the Carrell*
2 *Act.*

3 *SEC. 2. Section 149.2 is added to the Streets and Highways*
4 *Code, to read:*

5 *149.2. (a) Notwithstanding any other law, a high-occupancy*
6 *vehicle lane shall not be established on State Highway Route 134*
7 *between State Highway Route 170 and State Highway Route 5, on*
8 *State Highway Route 210 between State Highway Route 134 and*
9 *State Highway Route 57, or on any other state highway route*
10 *within the County of Los Angeles, as determined by the department,*
11 *unless the lane is established as a high-occupancy vehicle lane*
12 *only during the hours of heavy commuter traffic, as determined*
13 *by the department.*

14 *(b) Any existing high-occupancy vehicle lane located as*
15 *described in subdivision (a) shall be modified as necessary to*
16 *conform with subdivision (a).*

17 *(c) (1) The department shall report to the Legislature on or*
18 *before July 1, 2015, on the impact on traffic by limiting the use of*
19 *high-occupancy vehicle lanes during the hours of heavy commuter*
20 *traffic as provided in subdivision (a).*

21 *(2) The requirement for submitting a report imposed under*
22 *paragraph (1) is inoperative on October 1, 2019, pursuant to*
23 *Section 10231.5 of the Government Code.*

24 *(3) A report to be submitted pursuant to paragraph (1) shall be*
25 *submitted in compliance with Section 9795 of the Government*
26 *Code.*

27 *(d) On or after November 1, 2014, if the department determines*
28 *that there is an adverse impact on safety, traffic conditions, or the*
29 *environment by limiting the use of high-occupancy vehicle lanes*
30 *during the hours of heavy commuter traffic as provided in*
31 *subdivision (a), the department may submit to the Legislature a*
32 *notice of that determination and intent to reinstate 24-hour*
33 *high-occupancy vehicle lanes.*

34 *(e) This section shall remain in effect until no less than 60 days*
35 *after the date the Legislature receives the notice described in*
36 *subdivision (d) and is repealed thereafter.*

37 ~~SECTION 1. Section 21655.95 is added to the Vehicle Code,~~
38 ~~to read:~~

39 ~~21655.95. (a) Notwithstanding any other law, no~~
40 ~~high-occupancy vehicle lane may be established on State Highway~~

~~Route 134 between State Highway Route 170 and Interstate 5 unless the lane is established as a high-occupancy vehicle lane only during the hours of heavy commuter traffic, as determined by the Department of Transportation.~~

~~(b) Any existing high-occupancy vehicle lane located as described in subdivision (a) shall be modified as necessary to conform with subdivision (a).~~

~~(c) The Legislative Analyst shall report to the Legislature on or before March 31, 2014, on the impact on traffic by limiting the use of high-occupancy vehicle lanes during the hours of heavy commuter traffic as provided in subdivision (a).~~

~~(d) This section shall become inoperative on June 1, 2014, and, as of January 1, 2015, is repealed, unless a later enacted statute, that becomes operative on or before January 1, 2015, deletes or extends the dates on which it becomes inoperative and is repealed.~~